

MACo / JPIA

RISK ALERT

Date: January 24, 2008

To: All Sheriffs and Detention Centers

From: MACo and MSPOA

Re: Inmate / Defense Counsel Phone Calls

It has come to our attention that there may be some telephone systems which automatically record all conversations to and from sheriffs' offices and detention facilities. This could include the possibility of unintentionally recording conversations between criminal defense attorneys and their incarcerated clients.

MACo and MSPOA suggest that each law enforcement agency contact their telephone provider regarding how and when calls are recorded and ensure the ability to "not" record is available between those incarcerated and their defense counsel. It is our understanding that those providing and operating the telephone systems can take the necessary technical steps to eliminate recordings such as those addressed above.

Defense counsel should be advised to provide their telephone numbers to the appropriate law enforcement agency for the agency records so that the telephone provider can program the system to not record calls to and from those specific telephone numbers.